



Attorney Docket: 2244.50474  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RECEIVED**

MAR 17 2004

OFFICE OF PETITIONS

Applicant: JOHN H. HAYES

Serial No.: 10/032,739

Group Art Unit:

Filed: JANUARY 2, 2002

Examiner:

Title: MATTRESS AND BEDPAN CUSHION SYSTEM

**PETITION TO RESTART RESPONSE TIME PERIOD TO  
NOTICE TO FILE CORRECTED APPLICATION PAPERS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Petitioner filed the above-identified application on January 2, 2002, a copy of the date-stamped postcard being attached as Exhibit A. The executed Declaration submitted with the application indicated that all communications should be sent to the undersigned's law firm at Crowell & Moring, LLP, P.O. Box 14300, Washington, DC 20044-4300. No filing receipt was ever received for the above-identified application.

On April 15, 2003, the undersigned file a Status Request asking for the status of the filing receipt (as evidenced by the attached date-stamped post card and Status Request of Exhibit B).

On April 18, 2003, the USPTO responded to the Status Request and indicated that it would be more than 15 months before the application was to receive a first Office Action due to its being classified in a technology that has

10/10/2003 GWORDOF1 00000010 10032739

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130.00 DP

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01 FC:1460  
130.00 DP

experienced a large filing rate growth over the last few years (as evidenced by the attached USPTO communication of Exhibit C).

Subsequent to the USPTO communication, the undersigned counsel received Office Actions from the USPTO on two continuation-in-part applications that claimed continuation status from the above-identified application. Finding it unusual that the later filed CIP applications would have been acted upon by the USPTO prior to the earlier filed parent application, the undersigned began telephoning the USPTO to inquire about the situation.

On August 14, 2003 after having been directed to the Office of Initial Patent Examination (OIP) by an Examiner handling the later filed continuation application, the undersigned was informed that a Notice to File Corrected Application Papers was allegedly mailed by the USPTO on January 31, 2002 in the above-identified application. Per the undersigned's request, the allegedly mailed Notice to File Corrected Application Papers was faxed to the undersigned on August 14, 2003, a copy of which is attached as Exhibit D.

The undersigned attests that this Notice to File Corrected Application Papers, while on its face bearing the proper P.O. Box mailing address, was never received at that address. That P.O. Box mailing address is specifically designated to receive any mail from the U.S.P.T.O. All mail received at the P.O. Box is first processed by our firm's docketing department. Our docketing department personnel confirmed that the Notice was never received. Had the Notice been received, a docket entry would have been made to file the corrected application papers in the firm's docket book on March 31, 2002, i.e., the two-month due date for filing the corrected papers based on the alleged mail date of

January 31, 2002. Also, an electronic entry would have been made in the firm's IP electronic docketing software system. A copy of the docket book entries for that day indicate that no entry was made since the Notice was never received (Exhibit E). Moreover, a printout of the electronic docket entry for the above-identified application confirms that the notice was not received as no electronic entry was made to file the corrected application papers (see Exhibit F).

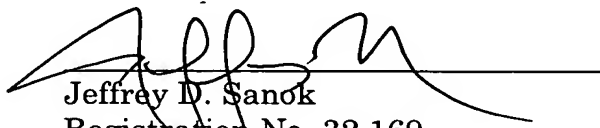
Based on the above facts, Petitioner respectfully requests that the response time period for the Notice to File Corrected Application Papers be restarted. Because the Notice requires that substitute drawings in compliance with 37 C.F.R. §1.84 be filed, those drawings are being submitted along with this Petition.

Upon granting this Petition, it is respectfully requested that the application be further processed and examined in due course.

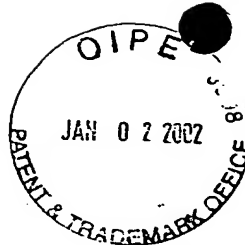
This Petition is accompanied by the petition fee in the amount of \$130.00 under 37 C.F.R. §1.17(h). However, Petitioner requests that this fee be refunded in view of the above facts. If there are any questions concerning this Petition or any further details that are required, a telephone call to the undersigned would be appreciated.

Respectfully submitted,

October 7, 2003

  
Jeffrey D. Sanok  
Registration No. 32,169

CROWELL & MORING, LLP  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844



(31)

FILED WITH FEES UNDER 37 C.F.R. §1.53

PATENT

Att'y Docket: 2244/50474

Today's Date:

January 2, 2001

Inventor(s): JOHN H. HAYES

Serial No.: Not Yet Assigned

Filing Date: December 31, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

☒ Specification, including 36 claims (pages 22, plus specification front page)

☒ 10 Sheets of ☒ Drawings showing Figs. 1-19

☒ Executed Declaration and Power of Attorney

☒ Information Disclosure Statement including PTO-1449 Form w/ 17 references

☒ Check No. 222384 in the amount of \$ 514.00

DUE DATE

January 7, 2001

CROWELL & MORING, LLP

P.O. Box 14300

WASHINGTON, D.C. 20044-4300

TEL: (202) 624-2500

JDS/KC/sas

FILED WITH FEES UNDER 37 C.F.R. §1.53

PATENT

Att'y Docket: 2244/50474

Today's Date:

January 2, 2002

Inventor(s): JOHN H. HAYES

Serial No.: Not Yet Assigned

Filing Date: December 31, 2001

KC

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January 7, 2002

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P.O. Box 14300

WASHINGTON, D.C. 20044-4300

TEL: (202) 624-2500

JDS/KC/sas

J1046 U.S. PTO

10/032739



01/02/02

10628-010

59

PATENT

Att'y Docket: 2244/50474  
Inventor(s): JOHN H. HAYES  
Serial No.: 10/032,739  
Filing Date: JANUARY 2, 2002

Today's Date: April 15, 2003

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

X Status Request

DUE DATE ASAP

WGA:kms/10628



CROWELL & MORING, LLP  
P.O. Box 14300  
WASHINGTON, D.C. 20044-4300  
TEL: (202) 624-2500

Attorney Docket: 2244/50474  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JOHN H. HAYES  
Serial No.: 10/032,739                      Group Art Unit: Unknown  
Filed: JANUARY 2, 2002              Examiner: Unknown  
Title: MATTRESS AND BEDPAN CUSHION SYSTEM

STATUS REQUEST

Commissioner for Patents  
Washington, D.C. 20231

April 15, 2003

Sir:

Our records indicate that we have not yet received a filing receipt in reference to the above-identified application. Please advise the undersigned of the status of the filing receipt. This application was filed January 2, 2002.

It would be appreciated if the undersigned's secretary, Preeti Thornton, were telephoned in the event there are any questions related to this Request or the application in general.

Respectfully submitted,



Jeffrey D. Sanok  
Registration No. 32,169  
William G. Ackerman  
Registration No. 45,320

CROWELL & MORING, LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
WGA:kms/10628

WIA



United States Patent And Trademark Office

Commissioner For Patents

United States Patent And Trademark Office

Washington, D.C. 20231

[www.uspto.gov](http://www.uspto.gov)

Date: 4/18/03 ✓

Crowell & Moring, L.L.P.

P.O. Box 14300

Washington DC 20044-4300

# 50474

To: Applicant of Serial Number 10032739

SC: 7/18/04

We currently project that it will be more than 15 months before this application will receive a first office action. This is because the application is classified in a technology that has experienced a large filing rate growth over the last few years. The Office is addressing the growth by adjusting examination resources accordingly. You may wish to consult the MPEP (708.02) to see if filing a petition to make special is appropriate.

Customer Service Office in Technology Center: 1700

Phone Number: 703-306-5665

FAX Number: 703-872-9309

Applicant/Attorney Contact Information:

Telephone: (202)624-2500

Fax: (202)628-8844





## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/032,739	01/02/2002	John H. Hayes	2244/50474

CONFIRMATION NO. 6396

## FORMALITIES LETTER



\*OC000000007402584\*

Crowell & Moring, L.L.P.  
P.O. Box 14300  
Washington, DC 20044-4300(?). Corr. Papers: 8/31/02.  
Date Mailed: 01/31/2002

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

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*A copy of this notice MUST be returned with the reply.*

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Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY

# DAILY DUE DATES

MARCH 31, 2002

CLIENT MATTER	WORKING ATTORNEY	TYPE OF RESPONSE DUE	DATE FILED	ACTION TAKEN	REVIEW ATTORNEY
037/44292	RED	(Imo ext) Appeal Brief	3/21/02	Brief on Appeal, 3mo ext. Transl. of Germ. Pat.	KC
12187/50640	DOE	<del>Appeal Brief</del>	4/1/02	Ex. DPA, Ex. As.	KC
12178/50621	VJS	<del>Appeal Brief</del>	3/28/02	Ex. DPA, Ex. As.	KC
20982/49279	IDS	<del>Quota Response</del>	3/17/02	Reply, COA.	KC
178/50788	DOE	<del>Appeal Brief</del>		Rollled	KC
089/43743	VJS	(Imo ext) Response	4/1/02	Amended, 2mo ext.	KC
200/48697	VJS	(Imo ext) Response		Rollled to 4/30/02	KC
38111/4466700	JFM	(Imo ext) Appeal Br		Rollled 4/30/02	KC
852/48375	JFM	(Imo ext) Appeal Br	4/1/02	Appeal Br, AF Reply, 1mo ext.	KC
037/50490	WGA	(Imo ext) Mis. Parts		Rollled to 4/30	KC

## DAILY DUE DATES

MARCH 31, 2002

CLIENT MATTER	WORKING ATTORNEY	TYPE OF RESPONSE DUE	DATE FILED	ACTION TAKEN	REVIEW ATTORNEY
125/44476	JFM	Response to OA		Polled to 4/30/02	KC
945/44533	GRE	Response to OA		Polled to 4/30	KC
1320/49256TR	JDE	Response to OA		Polled to 4/30	KC
957/16337	RS	Issue Fee	3/28/02	Issue Fee	JR
176/48797	JDE	Issue Fee	3/28/02	Issue Fee	JR
31316/446440P	HIC/WBA	Issue Fee	4/1/02	Issue Fee, Mineral	KC
38711/436982V	JDS	Issue Fee	4/1/02	Issue Fee	KC
38711/436982V	JDS	Formal Dr.	4/1/02	Formal Dr.	KC
132/47734	JFM	Final/WOA	4/1/02	Notice of Appeal	KC
381KA/47678	WS	Final/WOA	3/26/02	Resp. after Final	JR
1185/10607	HIC/CTB	Renewal	4/1/02	Renewal, Specimen	KC

ATTY/ATTY2	REFERENCE#	TITLE / MARK	CLIENT	REG/SERIAL#	ACTION	CURREN EXT	EXT AVAILABLE
DUE	PAPA						
<b>March '02</b>							
30 Sat	JDS//DDE	47720 <i>tdf 4/1/02</i>	METHOD AND ARRANGEMENT FOR DETECTI DaimlerChrysler AG	(US) 09/300,590	RESPONSE TO OA	1	2 Exd/1 Mnth
30 Sat	JDS//DDE	48116 <i>tdf 4/1/02</i>	PROCESS FOR DETERMINING AND PROCES DaimlerChrysler AG	(US) 09/410,348	STATUS CHECK	0	None
31 Sun	JDS//JFM	43698DV <i>tdf 4/1/02</i>	DEVICE AND METHOD FOR SUPPLYING POW HITACHI, LTD.	(US) 09/504,116	FORMAL DRAWINGS	0	None
31 Sun	JDS//JFM	43698DV <i>tdf 4/1/02</i>	DEVICE AND METHOD FOR SUPPLYING POW HITACHI, LTD.	(US) 09/504,116	ISSUE FEE	0	None
31 Sun	JDS/JJS/JFM	43743	REMOTE CONTROL SAFETY SYSTEM ACUMEN, INC.	(US) 09/272,309	RESPONSE TO OA	2	1 Exd/1 Mnth
31 Sun	JDS/RLG/DDE	50226	METHOD TO STEER THE VEHICLE AFTER FAI BMW Supplier No. 141 642-10	(US)	C/U FILE APPLICATION	0	1 Exd/1 Mnth
<b>April '02</b>							
01 Mon	JDS/SZ/DDE	51021	VEHICLE WITH A COMBUSTION ENGINE AND BMW Supplier No. 141 642-10	(US)	FILE APPLICATION	0	None

END OF REPORT

TOTAL ITEMS SELECTED = 7



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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\*OC00000007402584\*

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Washington, DC 20044-4300

Date Mailed: 01/31/2002

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY